

REMARKS

In the September 30, 2003 Office Action, the Examiner noted that claims 1-16 were pending in the application and rejected all of the claims under 35 U.S.C. § 103. In rejecting the claims, U.S. Patents 6,091,803 to Thompson; 5,287,352 to Jackson et al.; 6,366,653 to Yeh et al.; 5,483,530 to Davis et al.; 5,453,984 to Mueller; and 5,892,764 to Riemann et al. (References A-F, respectively) and an article by Hofer were cited. Claims 1-16 remain in the case. The Examiner's rejections are traversed below.

Newly Cited Prior Art

U.S. Patent 6,366,653 to Yeh et al.

The Yeh et al. patent is directed to a system for integrating a telephone and a computer system which may be coupled to a PBX, where the abbreviation PBX is described as a "Public Branching Exchange" (Abstract, line 3) rather than a Private Branch Exchange, as this abbreviation is commonly known in the art. As described at column 5, lines 9-24, the system includes a DTMF decoder 203 (Fig. 2) coupled to the PBX via PBX interface 206 which detects DTMF sound signals and translates them into a digital or binary representation that is supplied to microcontroller 201. Similarly, DTMF generator 204 translates digital or binary data into DTMF signals for output to the PBX via audio mixer 209 and PBX interface 206.

U.S. Patent 5,892,764 to Riemann et al.

The Riemann et al. patent is directed to an ATM LAN telephone system that as described at column 2, lines 52-65; column 4, line 65 to column 5, line 5; column 5, lines 18-28; and column 6, lines 27-39 implements a private branch telephone exchange (PBX) over a local area computer network LAN using a multi-port station module in desktop computers to provide a network data interface and an interface to a standard telephone set. The desktop computer is described as "a standard IBM compatible PC" (column 5, line 20). As described at column 6, lines 27-39, control processor 28 (Fig. 2) in telephony network server 12

manages the re-direction of media streams from incoming trunk lines 17 to client computers 18 via the ATM network, or directly to and from the server hard disk drive for storage and later playback ... These media streams can be sent directly to an outside caller attached to a trunk line 17, or across the network for voice playback at the networked client telephones 11. The control processor 28 also manages the connection of multiple media streams to the DSP 23 so they can be combined for conferencing between multiple callers connected to the system, either on the LAN or to PSTN lines 17.

Rejections under 35 U.S.C. § 103

In paragraphs 4-9 on pages 2-5 of the Office Action, claims 1, 6, 8, 9, 12, 14 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Thompson in view of Jackson et al. Although the references used to reject claims 1, 6, 8, 9, 12, 14 and 15 did not change from the April 21, 2003 Office Action, in response to the remarks in the Amendment filed by Certificate of Mail on August 21, 2003 and received by the U.S. Patent and Trademark Office on August 25, 2003, the wording of the rejection was changed and additional portions of Thompson were cited. However, the Response to Arguments in item 1 on page 2 of the Office Action did not contain any comments responding to the arguments in the August 21, 2003 Amendment.

The August 21, 2003 Amendment noted that neither Thompson nor Jackson et al. teach or suggest an operating mode for "forwarding transmission data produced by said telecommunication terminal apparatus to said computer device ... for processing in said computer device by said processor and sending processed transmission data to said telecommunication terminal apparatus" (claim 1, lines 20-23) then "rerouting processed transmission data received by said telecommunication terminal apparatus to said interface, for forwarding to said switch" (claim 1, lines 24-26). The September 30, 2003 Office Action asserted that these limitations were taught by Thompson at column 2, lines 24-32; column 3, lines 23-63; column 4, line 44 to column 5, line 20; and column 6, lines 6-9. In addition, it was asserted that "it is implicit that the determination of whether to forward or act on the data requires processing" (Office Action, page 3, lines 9-10) which presumably was a way of saying that Thompson inherently disclosed the processing recited in the first quotation above. In addition, Official Notice was cited that the speed of the USB bus 17 (Fig. 3) between the phone 7 and computer 15 in the system taught by Thompson is 12 Mbps, while the speed of the internal GCI bus 124 (Fig. 1) of the telephone taught by Jackson is 8.192 Mbps.

The statements in the September 30, 2003 Office Action discussed in the preceding paragraph suggest that the arguments in the August 21, 2003 Amendment may have been misunderstood, or the claims are being interpreted more broadly than Applicant believes is appropriate. To determine which is the case, **the Examiner is respectfully requested to contact the undersigned to arrange an Examiner Interview if the claims are not allowed.**

If the reason for the statements in the September 30, 2003 Office Action discussed above is a misunderstanding of the arguments in the August 21, 2003 Amendment, it is first noted that lines 20-23 of claim 1 require "processing in said computer device" that results in "processed transmission data" for sending to the telecommunication terminal. A decision of

whether to forward or act on data which might occur in Thompson does not change the data to produce "processed transmission data" as recited in claim 1. Examples of "processed transmission data" were provided in the August 21, 2003 Amendment as off-loading to the computer device processing that would otherwise be performed by the telephone, so that the telephone can be as low cost as possible. There is no suggestion by Thompson of processing in the computer 15 that is conventionally performed by a telephone.

Second, it is submitted that the differences between the USB bus 17 in Thompson and the GCI bus 120 in the phone taught by Jackson is irrelevant to the benefits provided by the present invention discussed in the August 21, 2003 Amendment. The example used in the August 21, 2003 Amendment was an internal bus in a computer that was faster than the external bus. The bus speeds cited in the September 30, 2003 Office Action were for an internal bus in a telephone that was slower than the external bus connected to a different phone. Furthermore, the differences in bus speeds are not what distinguishes the present invention over the prior art. Rather, it is the off-loading of telephone processing to the computer that distinguishes the present invention. The higher bus speed of the computer compared to the external bus was described as part of the explanation of why such off-loading is beneficial. For the reasons set forth above and the additional reasons discussed in the August 21, 2003 Amendment, it is submitted that claims 1 and 6, 8, 9 and 12 which depend therefrom and claims 14 and 15 which recite similar limitations, patentably distinguish over Thompson in view of Jackson.

Furthermore, it is submitted that Davis '530, Hofer and Mueller contain no suggestion of modifying Thompson and Jackson to overcome the deficiencies discussed above and in the August 21, 2003 Amendment. Therefore, it is submitted that since claims 3-5, 7, 10 and 13 depend from claim 1, these claims patentably distinguish over the prior art for the reasons discussed above and in the August 21, 2003 Amendment.

In items 10 and 11 on page 6 of the September 30, 2003 Office Action, claim 2 was rejected as unpatentable over Thompson in view of Jackson and further in view of Yeh et al. Since the processing described as performed by the computer in Yeh et al. only involves conversion from telephony encoding to data processing encoding, i.e., DTMF to digital/binary data, nothing has been cited or found suggesting off-loading of telephone processing to the computer. Thus, since claim 2 depends from claim 1, it is submitted that claim 2 patentably distinguishes over Thompson in view of Jackson and further in view of Yeh et al. for the reasons discussed above with respect to claim 1 over Thompson in view of Jackson.

In items 21 and 22 on pages 9-11 of the September 30, 2003 Office Action, claims 11 and 16 were rejected as unpatentable over Thompson in view of Jackson and further in view of Riemann et al. As discussed above, Riemann et al. was only cited as disclosing the use of a computer to route digitized voice signals. Nothing has been found in Riemann et al. suggesting off-loading processing normally performed by a telephone to a computer, as recited in claims 1 and 14. Since claims 11 and 16 depend from claims 1 and 14, respectively, it is submitted that claims 11 and 16 patentably distinguish over Thompson in view of Jackson and further in view of Riemann et al. for the reasons discussed above and in the August 21, 2003 Amendment.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-16 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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